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Docket No.: NAGACO.060A

OCT 13 2005

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### NOTICE OF APPEAL

FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant : Werner, et al.  
App. No : 10/035,836  
Filed : December 21, 2001  
For : SURFACE ASSEMBLY FOR  
IMMOBILIZING DNA CAPTURE  
PROBES AND BEAD-BASED ASSAY  
INCLUDING OPTICAL BIO-DISCS  
AND METHODS RELATING  
THERE TO  
Examiner : B.J. Forman  
Art Unit : 1634

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*[Signature]*  
Jerry L. Hefner, Reg. No. 53,009

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the  
decision of the Examiner dated April 13, 2005 finally rejecting Claims 70-82.

The present application qualifies for Small Entity Status under 37 CFR 1.27.

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Notice of Appeal	41.20(b)(1)	2401 (\$250)		\$250
3 Month Extension	1.17(a)(3)	2253 (\$510)	\$510 - \$60 =	\$450
			(\$60 payment previously submitted on August 15, 2005)	
			<b>TOTAL FEE DUE</b>	<b>\$700</b>

(X) An extension of time is hereby requested by payment of the appropriate fee  
indicated above.

(X) Please charge \$700 to Deposit Account No. 11-1410.

10/17/2005 HDEMSS1 00000001 111410 10035836

01 FC:2401 250.00 DA

10/17/2005 HDEMSS1 00000001 111410 10035836

02 FC:2253 450.00 DA


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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Dated: October 13, 2005

  
Jerry L. Heffner  
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1991295/lrr  
101305